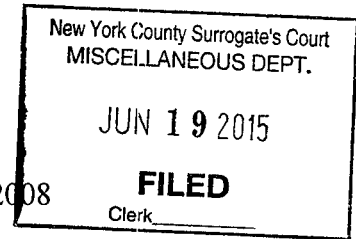


SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Application of ORLY
GENGER, as a person interested, for the removal of
DALIA GENGER as Trustee of the Orly Genger
1993 Trust pursuant to SCPA § 711(11)

File No.: 0017/2008



AFFIRMATION OF BRYAN D. LEINBACH

STATE OF NEW YORK,
COUNTY OF NEW YORK.

BRYAN D. LEINBACH, pursuant to CPLR 2106 and under the penalties of perjury, affirms:

1. I am associated with the firm of Zeichner Ellman & Krause LLP, attorneys for petitioner Orly Genger ("Orly").

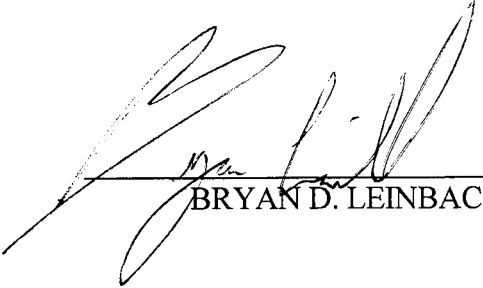
2. By Decision and Order dated April 22, 2015, the Court directed Orly to serve a supplemental citation upon the Sagi Genger 1993 Trust (the "Sagi Trust") under the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the "Hague Convention"). 4/22/15 Decision at 3-4. (A copy of the April 22, 2015 Decision is attached hereto as **Exhibit A.**) Orly previously served a supplemental citation upon the Trustee of the Sagi Trust by registered mail, return receipt requested pursuant to SCPA § 307[2] and the Trustee of the Sagi Trust objected, requesting service pursuant to the Hague Convention. See 4/22/15 Decision at 1-2.

3. Pursuant to the Court's direction, Orly counsel obtained a Supplemental

Citation for Assaf Sternberg, the current trustee of the Sagi Trust on May 6, 2015, and retained an international service of process firm to serve Mr. Sternberg in Israel pursuant to Article 6 of the Hague Convention. (A copy of the Supplemental Citation is attached as **Exhibit B**).

4. Attached as **Exhibit C** are the documents received from the State of Israel attesting to May 18, 2015 service of the Supplemental Citation upon Assaf Sternberg pursuant to Article 5(b) of the Hague Convention and an official translation of the local process certificate from Hebrew into English.

Dated: New York, New York
June 18, 2015

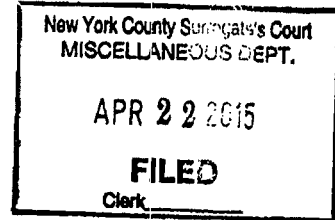


BRYAN D. LEINBACH

SURROGATE'S COURT : NEW YORK COUNTY

-----X

In the Matter of the Application of
Orly Genger to Remove Dalia Genger
as Trustee of the The Orly
Genger 1993 Trust Established on
December 13, 1993, by



File No. 2008-17

ARIE GENDER,

Grantor.

-----X

A N D E R S O N, S .

The decision in this matter, dated April 9, 2015, was issued with an incorrect file number. That decision is therefore vacated and replaced with the following decision, which is the same except for the corrected file number.

In this proceeding, Orly Genger, the primary beneficiary of an irrevocable inter vivos trust established by her father, Arie Genger, on December 13, 1993, seeks removal of her mother, Dalia Genger, as trustee. The contingent remainder beneficiary, a trust Arie established for the benefit of Orly's brother, Sagi Genger, moves to dismiss for lack of personal jurisdiction (CPLR 3211[a][8]).

In a July 2014 decision, this court held that the contingent remainder beneficiary was a necessary party and that Orly had failed to serve properly the third amended petition upon such beneficiary (see *Matter of Genger*, NYLJ, July 28, 2014, at 18, col 3 [Sur Ct, New York County 2014]). Thereafter, Orly obtained a supplemental citation and served the contingent remainder beneficiary by registered mail, return receipt requested (SCPA § 307[2]). The contingent remainder

beneficiary then made the instant motion, arguing that, since he¹ is a citizen and resident of Israel, service of process had to be made in accordance with the Hague Convention (Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, 20 UST 361, TIAS No. 6638 [1965]), which does not allow for service of process by registered mail in the circumstances here. Only counters that the Hague Convention does allow for such service.

In view of the First Department's decision in *Sardanis v Sumitomo Corp.* (279 AD2d 225 [1st Dept 2001]), ruling that Article 10(a) of the Hague Convention does not permit service of process by mail, this court must grant the motion to dismiss, notwithstanding contrary authority in the Appellate Divisions, Second, Third and Fourth Departments (see e.g. *N.Y. State Thruway Auth. v French*, 94 AD3d 17 [3d Dept 2012]); *Fernandez v Univan Leasing*, 15 AD3d 343 [2d Dept 2005]; *Rissew v Yamaha Motor Co., Ltd.*, 129 AD2d 94 [4th Dept 1987]). In *Sardanis* (279 AD2d 225, *supra*), the First Department held that service of process by mail is improper under Article 10(a) of the Hague Convention because such provision does not apply to the "service" of documents for jurisdictional purposes. This court recently recognized *Sardanis* as controlling authority and required service of process under the terms of the Hague

¹ Service was made upon the trustee of the trust.

Convention (see *Matter of Angelides*, NYLJ, March 27, 2015, at 23, col 6 [Sur Ct, New York County 2015]).

Orly concedes the applicability of Article 10(a), but contends that *Sardanis* was "effectively abrogated" by a subsequent decision of the First Department, *Gouiran Family Trust v Gouiran* (40 AD3d 400 [1st Dept 2007]). That decision, however, is inapposite. Indeed, the *Gouiran* court did not even refer to Article 10(a) of the Hague Convention, much less specifically examine that provision to determine whether it permits service of process by mail. Orly's argument is further refuted by the absence of a single case supporting Orly's "abrogation" theory and the many cases ignoring *Gouiran* and recognizing the split of authority between the First Department and the other departments based on *Sardanis* (see e.g. *New York State Thruway Auth.*, 94 AD3d 17, *supra*; *M.B.S. Moda, Inc. v Fuzzi S.P.A.*, 38 Misc 3d 1208[A] [Sup Ct, New York County 2013]; *Sbarro, Inc. v Tukdam, Ltd.*, 32 Misc 3d 217 [Sup Ct, Suffolk County 2011]); *Axios Prod., Inc. v Time Mach. Software, Inc.*, 2010 NY Slip Op 32772[U] [Sup Ct, Suffolk County 2010]; see also George Bundy Smith and Thomas J. Hall, *Divergent Views of Service of Process under the Hague Convention*, NYLJ, June 15, 2012, at 3, col 1).

Based upon the foregoing, the motion of the contingent remainder beneficiary to dismiss the petition as against it for

lack of personal jurisdiction is granted without prejudice to Orly's initiating proper service of process upon such beneficiary under the Hague Convention within 30 days of the date of this decision.

This decision constitutes the order of the court.

Dated: April 22, 2015

USA
S U R R O G A T E

SUPPLEMENTAL CITATION
SURROGATE'S COURT, NEW YORK COUNTY
THE PEOPLE OF THE STATE OF NEW YORK

File No. 2008-0017/B

TO: Assaf Sternberg, as Trustee of the Sagi Genger 1993 Trust

A petition having been duly filed by Orly Genger, domiciled at 780 Greenwich Street, Apt. 4P, New York, New York 10014.

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, New York County, at 31 Chambers Street, New York, New York 10007, Room 509 on JULY 8, 2015, at 10:00 o'clock in the forenoon of that day, why a decree should not be issued (i) removing Dalia Genger as trustee of the Orly Genger 1993 Trust created under agreement dated December 13, 1993; (ii) suspending Dalia Genger as trustee pending determination of her fitness to serve; (iii) appointing Joel Isaacson as successor trustee of the Orly Genger 1993 Trust; and (iv) awarding to Petitioner such other and further relief as the Court deems equitable and proper.

IN TESTIMONY WHEREOF, we have cause the seal of the Surrogate's Court of our said County of New York to be hereunto affixed.

Dated, Attested and Sealed, May 6, 2015
(L.S.)

HON. NORA S. ANDERSON
Surrogate, New York County

Diana Sanabria
Chief Clerk

Attorneys for Petitioner:

ZEICHNER ELLMAN & KRAUSE LLP
1211 Avenue of the Americas
New York, NY 10036
(212) 223-0400
Attn: Yoav M. Griver, Esq.
Bryan D. Leinbach, Esq.

This citation is served upon you as required by law. You are not obliged to appear in person. If you fail to appear, it will be assumed that you consent to the proceedings, unless you file written verified objections thereto. You have a right to have an attorney-at-law appear for you.

SURROGATE'S COURT NEW YORK COUNTY

File No. 0017/2008

In the Matter of the Application of ORLY
GENGER, as a person interested, for the
removal of DALIA GENGER, as Trustee of the
Orly Genger 1993 Trust pursuant to SCPA § 711(11)

SUPPLEMENTAL CITATION

ZEICHNER ELLMAN & KRAUSE LLP

1211 AVENUE OF THE AMERICAS

NEW YORK, NEW YORK 10036

TEL: (212) 223-0400

FAX: (212) 753-0396

www.zeklaw.com

21/05/2015

Reverse of the request
CERTIFICATE

The undersigned authority has the honor to certify, in conformity with Article 6 of the Convention,

1) That the documents directed to **Assaf Sternberg (as trustee of the Sagi Genger 1993 Trust)** have been served*

- the 18/05/2015
- 2 Balfur St., Kiryat Uno, Israel.

a) In accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*.

The documents referred to in the request have been delivered to:

- Identity and description of person: **Mrs. Yonit Sternberg.**
- Relationship to the addressee: **The wife of the addressee, who refused to sign for the documents, but received them.**
- In conformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Annexes

Documents returned:

In appropriate cases, documents establishing the service:

.....

Done at Jerusalem, the

Signature and/or stamp.



ת צ ה י ר

אני הח"מ איתן נוימן מ.ז. 58615667, לאחר שהזהרתי כי עלי לומר את האמת וכי אהיה צפוי לעונשים הקבועים בחוק אם לא אעשה כן, מצהיר בזה כדלקמן:

הנני נותן תצהיר זה בתמיכה לאישור מסירה 1-262/15 אשר בוצע על ידי ל מר אסף שטרנברג מרח' בלפור 2 קרית אונו.

בתאריך 18.5.15 ביקרתי בכתובת הרשומה לעיל (בית פרטי) ומסרתי את כתבי ביה"ד לידי אשתו - הגב' יונית שטרנברג, הגרה עימו.
הגב' שטרנברג סירבה לחתום על אישור המסירה.

אישור המסירה המצורף לתצהיר זה, מהווה חלק בלתי נפרד ממנו.

שמי איתן נוימן, החתימה מטה היא חתימתי ותוכן תצהירי אמת ונכון.

חתימת המצהיר

עזריה ארבל, עו"ד
מ.ר. 21564

אני הר"מ מרכז עזריאלי 3, ת"א עו"ד, מאשר בזה כי ביום 14/5/15

הופיע בפני מר איתן נוימן ת.ז. 058615667 ואחרי שהזהרתי כי עלי להצהיר את האמת וכי יהיה צפוי לעונשים הקבועים בחוק אם יעשה כן, אישר את נכונות ההצהרה הנ"ל וחתם עליה.

עזריה ארבל, עו"ד
חתימת עו"ד
מרכז עזריאלי 3, ת"א

תאריך

עובד דואר ישראל: תלוש כאן והחזר.

מדינת ישראל הנהלת בתי המשפט

171

תיק אזרחי מספר 1-262/15
בפני כבי השופט
הכתב
נקבע ליום
המזכיר

מזה המושפט ה

מזה המושפט ה

לשכת ההוצאה לפעול ב

אישור תשלום
החזר אושר זה אל

אל: אסף שטרנברג
המען: רח' בלפור 2, קרית אונו

באתי למען של חניך <input type="checkbox"/> איש לא נמצא בבית בשעה <u>1830</u>	באתי למען של חניך <input type="checkbox"/> איש לא נמצא בבית בשעה <u>1830</u>	באתי למען של חניך <input type="checkbox"/> איש לא נמצא בבית בשעה <u>1830</u>
שנה <u>18</u> חודש <u>5</u> יום <u>15</u>	שנה <u>18</u> חודש <u>5</u> יום <u>15</u>	שנה <u>18</u> חודש <u>5</u> יום <u>15</u>

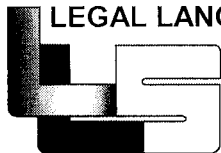
אם לא מסרת - ציין סיבות במשבצת המתאימה:
☐ העתיד מוסר מוצרי לכתובת בלתי ידועה.
☐ הכתובת לא נכונה.
☐ סרב לקבל.
☐ הנמען לא ידוע במוען שצויין לעיל.
☐ ציין כל סיבה אחרת.

איתן נוימן

שם הדיוור המוסר

חתימת
דואר ישראל

חתימת המושפט



LEGAL LANGUAGE SERVICES

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Suite 110
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Telephone (913) 341-3167
Toll Free (800) 755-5775
Telefax (913) 341-3168
www.legallanguage.com

June 16, 2015

To whom it may concern:

This is to certify that the attached translation from Hebrew into English is an accurate representation of the documents received by this office. These documents are designated as:

**Proof of International Service of Process in Israel upon the Defendant:
Assaf Sternberg**

Maria Victoria Portuguese, Manager of this company, certifies that Eve Hecht, who translated this document, is fluent in Hebrew and standard North American English and qualified to translate. She attests to the following:

"To the best of my knowledge, the accompanying text is a true, full and accurate translation of the specified document".

Signature of Maria Victoria Portuguese

Subscribed and sworn to before me this June 16, 2015.

Vicki Farron
Notary Public, State of Kansas
Qualified in Johnson County
My commission expires December 9, 2016

Sincerely,

Victor J. Hertz
President

Affidavit

I, the undersigned, **Eitan Newman, ID no. 58615667**, after having been cautioned that I must tell the truth and that I will be subject to the penalties set forth in the Law if I do not do so, hereby declare as follows:

I am giving this affidavit in support of Delivery Certificate No. 1-262/15 which was executed by me upon Mr. Assaf Sternberg of Balfour St. 2, Kiryat Uno.

On May 18, 2015 I visited the address listed above (a private home) and delivered the judicial documents to his wife – Ms. Yonit Sternberg, who resides with him.
Ms. Sternberg refused to sign the Delivery Certificate.

The Delivery Certificate attached to this Affidavit constitutes an inseparable part thereof.

My name is **Eitan Newman**, the signature below is my signature, and the contents of my affidavit are true and accurate.

[Signature]
Signature of Declarant

Azaria Arbel, Adv.
Lic. no. 21564
Azrieli Ctr. 3, Tel Aviv

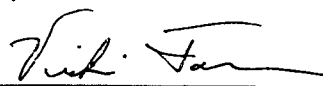
I, the undersigned, _____, Adv., hereby confirm that on May 19, 2015 there appeared before me Mr. Eitan Newman, ID no. 058615667, and after I cautioned him that he must tell the truth and that he will be subject to the penalties set forth in the Law if he does [sic] so, he confirmed the accuracy of the above affidavit and signed it.

May 17, 2015
Date

[Signature] **Azaria Arbel, Adv.**
Lic. no. 21564
Azrieli Ctr. 3, Tel Aviv



Subscribed and sworn to before
me this 6/16 20 15

Notary Public 

VICKI FARRON

Notary Public, State of Kansas

Qualified in Johnson County

Commission Expires December 9, 2016

Postal office employee: cut here and return

STATE OF ISRAEL
The Judicial Authority

Return this certificate to:
Delivery certificate:

☐ Court: Department of Judicial Assistance to Foreign States 171

Civil case No. 1-262/15

Courts Administration

Kanfei Nesharim St. 22 Jerusalem 95464

Tel: 02-6556847 Fax: 02-6556954

At

Before the judge

Registrar

Date of appointment

☐ Execution office at

Clerk

To Assaf Sternberg

Mailing address: Balfour St. 2, Kiryat Uno

(1st visit) I

hereby declare that on

Post office/court employee

M

D

Y

Time

(2nd visit) I

Eitan Newman

hereby declare that on

5

18

15

18:30

(3rd visit) I

Post office/court employee

M

D

Y

Time

Came to the residence of the above mentioned ☐ And there was nobody home

Came to the residence of the above mentioned ☐ And there was nobody home

Came to the residence of the above mentioned ☐ And there was nobody home

☐ I hand delivered the judicial documents.

☒ I delivered the judicial documents to the delegate of the addressee.

☐ In his absence I delivered the judicial documents to his wife Ms. Yonit Sternberg who is his/her family member and resides with him/her and I believed to be over 18 years old.

☐ Since there was nobody in the house on the third visit, I attached the documents to the door of the apartment.

In case of non-delivery – please mark the corresponding box:

☐ The addressee moved to an unknown address.

☐ Wrong address ☐ Not requested

☐ Refused to receive the documents.

☐ The addressee is unknown at the above mentioned address.

refused to sign

Post office stamp

Eitan Newman

Signature of the receiver

Mailman's name

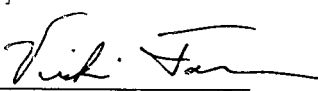
Date

Name of mailman

Signature of mailman



Subscribed and sworn to before
me this 6/16 20 15

Notary Public 

VICKI FARRON

Notary Public, State of Kansas

Qualified in Johnson County

Commission Expires December 9, 2016

תצהיר

אני הח"מ איתן נוימן מ.ז. 58615667, לאחר שהוזהרתי כי עלי לומר את האמת וכי אהיה צפוי לעונשים הקבועים בחוק אם לא אעשה כן מצהיר בזה כדלקמן:

הנני נותן תצהיר זה בתמיכה לאישור מסירה 1-262/15 אשר בוצע על ידי ל מר אסף שטרנברג מרח' בלפור 2 קרית אונו.

בתאריך 18.5.15 ביקרתי בכתובת הרשומה לעיל (בית פרטי) ומסרתי את כתבי ביה"ד לידי אשתו - הגב' יוניט שטרנברג, הגרה עימו.
הגב' שטרנברג סירבה לחתום על אישור המסירה.

אישור המסירה המצורף לתצהיר זה, מהווה חלק בלתי נפרד ממנו.

שמי איתן נוימן, החתימה מטה היא חתימתי ותוכן תצהירי אמת ונכון.


חתימת המצהיר

עזריה ארבל, עו"ד
מ.ר. 21564

אני הח"מ מרכז עזריאלי 3, ת"א עו"ד, מאשר בזה כי ביום 19/5/15

הופיע בפני מר איתן נוימן ת.ז. 058615667 ואחרי שהוזהרתי כי עליו לתצהיר את האמת וכי יהיה צפוי לעונשים הקבועים בחוק אם יעשה כן, אישר את נכונות ההצהרה הנ"ל וחתם עליה.

עזריה ארבל, עו"ד
חתימת עו"ד
מרכז עזריאלי 3, ת"א

19/5/15
תאריך

איטור מסירה:
החזר איטור זה אל:

המסורת בתי המעט

תל' 95404 ירושלים 22

02-6556954, 02-6556954

☐ לשכת ההוצאה לפעול ב_____

אל:

171

1-262/15

תיק אזרחי מספר

בפני כב' השופט

הכנת

נקבע ליום .

המזכיר

(בְּקוֹרָו) אֲנִי _

עובד דואר ישראל/עובד בימ"ש

מִצְהִיר שְׁבִת־אֶרֶץ

שנה חודש יום

18 5 15

18 5 12

____ (בקור 2) אני

עובד דואר ישראל/עובד בימ"ש

מצהיר שנתארך

שנה חודש יום

57. *Journal of the American Medical Association*, 2000; 283: 2639-2644.

____ (בְּקוֹרָא) אֲנִי

עובד דואר ישראל/עובד בימ"ש

מצהיר שבתאריך

שנה	חודש	יום
-----	------	-----

☐ ומסרתי את הכתב ליזיון.

☒ מסרתי את הכתב למורשה של הנמען.

☐ בהעדרו מסרתי את הכתב ל_____

جہاں سے آئے ہیں وہاں سے

שהוא/יא בן/בת משפחתו/ה הגר/ה עימו ונראה/ית לי שמלאו לו/ה 18 שנה

☐ מאחר ולא נמצא אדם בבית בבקור השלישי הדבקתי הכתב על דלת דירתו.

אם לא מסרת - ציין הסיבה במשבצת המתאימה:

□ העתיק מקום מגוריו לכתובת בלתי ידועה.

☐ הכתובת לא נכונה. ☐ לא נדרש.

☐ סרב לקבל.

□ הנמען לא ידוע במען שצויין לעיל.

☐ ציין כל סיבה אחרת _____

חתימת הדוור

שם הדוור

תאריך

הותמת
דואר ישראל

ס' ר' אברהם
חתימת המקבל

REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS
DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or
commercial matters, signed at The Hague, November 15, 1965.
Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile
ou commerciale, signée à La Haye, le 15 Novembre 1965.

Identity and address of the applicant
Identité et adresse du requérant

Karina J. Shreefer, Esq. and Aaron D. Lukken, Esq.
LEGAL LANGUAGE SERVICES
8014 State Line Road, Suite 110
Leawood, Kansas 66208
UNITED STATES OF AMERICA
Tel. 1.913.341.3167

Address of receiving authority
Adresse de l'autorité destinataire

HAGUE CENTRAL AUTHORITY FOR ISRAEL
Directorate of Courts
22 Kanfei Neshirim St.
Jerusalem, 95464
P.O.B. 34142
ISRAEL

The undersigned applicant has the honour to transmit in duplicate the document listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,
(identité et adresse)

Le requérant soussigné a l'honneur de faire parvenir—en double exemplaire—à l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:
(identité et adresse) Assaf STERNBERG, as Trustee of the Sagi Genger 1993 Trust

2 Balfur St., Kiryat Uno

ISRAEL

-OR-

wherever the Defendant may be found in ISRAEL



(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
(a) selon les formes légales (article 5, alinéa premier, lettre a).



(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
(b) selon la forme particulière suivante (article 5, alinéa premier, lettre b) :



(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*:
(c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents—and of the annexes*—with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte—et de ses annexes—avec l'attestation figurant au verso.

THE PERSONS AND ENTITIES WITHIN THE UNITED STATES COMPETENT TO FORWARD SERVICE REQUESTS PURSUANT TO ARTICLE 3 INCLUDE ANY COURT OFFICIAL; ANY ATTORNEY; OR ANY OTHER PERSON OR ENTITY AUTHORIZED BY THE RULES OF THE COURT. (See U.S. declarations to the 1965 Convention at the Hague Conference website: http://www.hcch.net/index_en.php?act=authorities.details&aid=279)

List of documents

Énumération des pièces

Executed "Request," in duplicate

"Certificate" (unexecuted), in duplicate

"Summary," in duplicate

"Notice," in duplicate

Supplemental Citation, in duplicate

Done at Leawood, Kansas, U.S.A., the 11 May 2015

Fait à _____, le _____

Signature and/or stamp.

Signature et/ou cachet.

Karina

*Delete if inappropriate
Rayer les mentions inutiles.

SUMMARY OF THE DOCUMENT TO BE SERVED
ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.
Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

(article 5, fourth paragraph)
 (article 5, alinéa 4)

Name and address of the requesting authority: Karina J. Shreefer, Esq. and Aaron D. Lukken, Esq.
Nom et adresse de l'autorité requérante : LEGAL LANGUAGE SERVICES
 8014 State Line Road, Suite 110, Leawood, Kansas 66208, U.S.A.
 Tel. 1.913.341.3167

Particulars of the parties*:

Identité des parties : In the Matter of the Application of ORLY GENGHER, as a person interested,
 for the removal of DALIA GENGHER, as Trustee of the Orly Genger 1993 Trust pursuant to SCPA § 711(11)

JUDICIAL DOCUMENT**
ACTE JUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte : You are hereby cited to show cause before the Surrogate's Court, New York County located at: 31 Chambers Street, Room 509, New York, New York 10007, U.S.A. on July 8, 2015 at 10:00 o'clock in the forenoon of that day, why a decree should not be issued.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Nature et objet de l'instance, le cas échéant, le montant du litige : You are hereby cited to show cause before the Surrogate's Court, New York County located at: 31 Chambers Street, Room 509, New York, New York 10007, U.S.A. on July 8, 2015 at 10:00 o'clock in the forenoon of that day, why a decree should not be issued.

Date and place for entering appearance:**

Date et lieu de la comparution : You are hereby cited to show cause before the Surrogate's Court, New York County located at: 31 Chambers Street, Room 509, New York, New York 10007, U.S.A. on July 8, 2015 at 10:00 o'clock in the forenoon of that day, why a decree should not be issued. This Citation is served upon you as required by law. You are not obligated to appear in person. If you fail to appear, it will be assumed that you consent to the proceedings, unless you file written verified objections thereto. You have a right to have an attorney-at-law appear for you.

Court which has given judgment:**

Jurisdiction qui a rendu la décision : N/A

Date of judgment:**

Date de la décision : N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte : You are hereby cited to show cause before the Surrogate's Court on July 8, 2015 at 10:00 o'clock in the forenoon of that day, why a decree should not be issued. This Citation is served upon you as required by law. You are not obligated to appear in person. If you fail to appear, it will be assumed that you consent to the proceedings, unless you file written verified objections thereto. You have a right to have an attorney-at-law appear for you.

EXTRAJUDICIAL DOCUMENT**
ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte : N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte : N/A

* If appropriate, identity and address of the person interested in the transmission of the document.
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

** Delete if inappropriate.
Rayer les mentions inutiles.

NOTICE

*(recommended by the Fourteenth Session of
Hague Conference of October, 1980)*

identité et adresse du destinataire

identity and address of the addressee

Assaf STERNBERG,
as Trustee of the Sagi Genger 1993 Trust
2 Balfur St.
Kiryat Uno
ISRAEL

-OR-

wherever the Defendant may be found in ISRAEL

TRÈS IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES "ÉLÉMENTS ESSENTIELS DE L'ACTE" VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE SOIT DANS VOTRE PAYS SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES :

Legal Services for New York City
350 Broadway
New York, New York 10013
U.S.A.
Tel. 1.212.431.7200

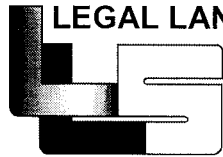
IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE "SUMMARY OF THE DOCUMENT TO BE SERVED" WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD, HOWEVER, READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

Legal Services for New York City
350 Broadway
New York, New York 10013
U.S.A.
Tel. 1.212.431.7200



LEGAL LANGUAGE SERVICES

A Division of ALS International, Inc.
8014 State Line Road
Suite 110
Leawood, KS 66208



Telephone (913) 341-3167
Toll Free (800) 755-5775
Telefax (913) 341-3168
www.legallanguage.com

May 11, 2015

VIA FEDERAL EXPRESS

Mr. Ezer Shafir
HAGUE CENTRAL AUTHORITY FOR ISRAEL
Directorate of Courts
22 Kanfei Neshirim St.
Jerusalem, 95464
P.O.B. 34142
ISRAEL

Re: *International Service of Process through the Israeli Central Authority pursuant to Article 5 of the Hague Service Convention*
Matter: **In the Matter of the Application of ORLY GENDER, as a person interested, for the removal of DALIA GENDER, as Trustee of the Orly Genger 1993 Trust pursuant to SCPA § 711(11)**
File No.: 0017/2008

Dear Sirs:

On behalf of our client and the Surrogate's Court, New York County, I have the honor to transmit to you a *Request* pursuant to the 1965 *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*:

Applicant: Karina J. Shreefer, Esq. and Aaron D. Lukken, Esq.
LEGAL LANGUAGE SERVICES

In the Matter of the Application of ORLY GENDER, as a person interested, for the removal of DALIA GENDER, as Trustee of the Orly Genger 1993 Trust pursuant to SCPA § 711(11)

(International Service of Process upon: Assaf STERNBERG, as Trustee of the Sagi Genger 1993 Trust)

File No.: 0017/2008

Method: Personal service by a private agent authorized to serve process by the Israeli Directorate of Courts

The *Request* is being forwarded to you in duplicate. Ms. Shreefer and Mr. Lukken are requesting service of process pursuant to Article 5, paragraph 1, sub-paragraph (a) of the *Hague Service Convention*.

The persons and entities within the United States competent to forward service requests pursuant to Article 3 include any court official, any attorney, or any other person or entity authorized by the rules of the court. (See U.S. declarations to the 1965 Convention at the Hague Conference website: http://www.hcch.net/index_en.php?act=authorities.details&aid=279)

Because the plaintiff is under tight deadline to serve the documents, I ask that you authorize Eitan Newman, a licensed Israeli detective, to effect service on your behalf. Legal Language Services has made private arrangements to pay for Mr. Newman's fees for this service. Mr. Newman will be contacting you directly for your further instruction.

The Hague Certificate may be returned by Mr. Newman to my offices, and I will then arrange to have it filed it with the Surrogate's Court, New York County.

Please note that I stand ready to reimburse the Surrogate's Court, New York County as well as the Israeli Central Authority for any costs which may be incurred in executing this Request in accordance with Article 12 of the Hague Service Convention.

I hope you will not hesitate to contact me by telephone at 01.913.341.3167, by fax at 01.913.341.3168 or by email at **vportuguez@legallanguage.com** if you have questions or concerns about any aspect of this request.

Sincerely yours,

LEGAL LANGUAGE SERVICES
A Division of ALS International, Inc.

A handwritten signature in black ink, appearing to read 'Victoria Portuguez', with a stylized flourish at the end.

Victoria Portuguez
International Litigation Support

Enclosures

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

File No.: 0017/2008

In the Matter of the Application of Orly
Genger to Remove Dalia Genger
as Trustee of The Orly Genger 1993 Trust
Established on December 13, 1993, by

ARIE GENDER,

Grantor

AFFIRMATION OF BRYAN D. LEINBACH

ZEICHNER ELLMAN & KRAUSE LLP

1211 AVENUE OF THE AMERICAS

NEW YORK, NEW YORK 10036

TEL: (212) 223-0400

FAX: (212) 753-0396

www.zeklaw.com
